

Preliminary Amendment

Applicant(s): St. Cyr et al.

Serial No. 10/585,961

Filed: September 29, 2008

For: USE OF RIBOSE FOR RECOVERY FROM ANAESTHESIA

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Remarks

Please cancel claims 1-7 and enter new claims 12-20. Claims 1-7 having been canceled and claims 12-20 having been added, the pending claims are claims 8-20.

New claims 12-16 and 18-19 are generally supported, for example, by originally filed claims 1-7, respectively (now canceled), and the specification at, for example, page 18, lines 14-16; and page 21, line 25 to page 22, line 1.

New claims 17 and 20 depend from claims 12 and 18, respectively, and further recite that the mammal is not undergoing general anaesthesia for open heart and/or vascular surgery.

Applicants respectfully submit that the amendment to exclude mammals undergoing general anaesthesia for open heart and/or vascular surgery are adequately supported by the specification to satisfy the written description requirements of 35 U.S.C. §112, first paragraph. Applicants respectfully submit that the recitation of the exclusion of mammals undergoing general anaesthesia for open heart and/or vascular surgery is supported by the positive recitation in the present specification of alternatives in which mammals are undergoing general anaesthesia for open heart (e.g., page 13, line 25; and page 5, line 29 to page 18, line 8 of the present specification) and/or vascular surgery (e.g., page 13, line 26; and page 22, line 3 to page 23, line 7 of the present specification). *See, for example, M.P.E.P. §2173.05(i), which states that "[i]f alternative elements are positively recited in the specification, they may be explicitly excluded in the claims."*

The specification has also been amended to correct an obvious typographical error.

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Conclusion

The Examiner is invited to contact Applicants' Representatives at the telephone number listed below if there are any questions regarding this Preliminary Amendment or if prosecution of this application may be assisted thereby.

Respectfully submitted

By

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CERTIFICATE UNDER 37 CFR §1.8:

The undersigned hereby certifies that this paper is being transmitted via the U.S. Patent and Trademark Office electronic filing system in accordance with 37 CFR §1.6(a)(4) to the Patent and Trademark Office addressed to the Commissioner for Patents, Mail Stop Amendment, P.O. Box 1450, Alexandria, VA 22313-1450, on this 24th day of June, 2009.

By: 

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